

bribe, the jury or other fact finder must be convinced beyond a reasonable doubt as to three elements. First, in both cases, the object of the bribe must be a “public official.”⁷³⁷ Second, the person making the bribe must corruptly give, offer or promise – or the public official must corruptly demand, seek, receive, accept or agree to receive – a “thing of value,” and the “thing of value” must be given or received “for the benefit of the public official or any other person or entity.”⁷³⁸ Third, to be convicted, the giver of the bribe must act with the intent (1) to influence an official act, (2) to induce the public official to commit a fraud on the United States, or (3) to induce the official to act in violation of the official’s lawful duty.⁷³⁹ The person making the bribe may be convicted so long as he or she possesses the requisite corrupt intent, regardless of whether the public official was, in fact, corrupted; the public official need not actually agree to take any particular official action.⁷⁴⁰

To convict a public official of bribery, there must be proof that he or she corruptly demanded, sought, received, accepted or agreed to receive or accept the bribe in exchange for an agreement (1) to be influenced in the performance of any official act, (2) to be influenced to

⁷³⁷ 18 U.S.C. § 201(b)(1), (2).

⁷³⁸ *Id.*

⁷³⁹ 18 U.S.C. § 201(b)(1).

⁷⁴⁰ The bribery statute, 18 U.S.C. § 201(b)(1), explicitly criminalizes the “offer” of a bribe, without regard to its acceptance by the target of the bribe. Furthermore, “the donor may be convicted of giving a bribe despite the fact that the recipient had no intention of altering his official activities.” *United States v. Anderson*, 509 F.2d 312, 332 (D.C. Cir. 1974), *cert. denied*, 420 U.S. 991 (1975).